

BOARD OF MAYOR AND ALDERMEN

November 5, 2003

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, Lopez,
Shea, DeVries, Garrity, Smith, Thibault, Forest (late)

Absent: Alderman Wihby

Mayor Baines stated I am giving a point of personal privilege to Alderman Gatsas.

Alderman Gatsas stated at this time I would like to personally thank one of our colleagues here. Two years ago we lost a lot of institutional knowledge when Alderman Cashin left. We again will lose a lot of institutional knowledge with Alderman Wihby leaving. I personally have to thank David because he is the one that inspired me to do this. Sometimes I get a little angry for his inspiration in getting me to do this but I can tell you that for the four years I have had the honor of serving with him he certainly has relayed a lot of the knowledge that he has gathered through his 18 years. With that, I would like to extend my gratitude to Dave Wihby for the service that he has given to the City of Manchester and the constituents of Ward 1 because he certainly was a very hard working Alderman and I am sure Alderman-Elect Roy will extend that same courtesy to the people in Ward 1.

Mayor Baines stated I made some comments last night...a little bit different obviously because of our connection but I had the great honor and privilege of working with Dave Wihby for many years in my capacity as a high school principal and the last four years as Mayor. I think people on this Board and others who are trying to serve as Alderman should take some lessons from Alderman Wihby because his impact was often felt behind the scenes without some of the theatrics that sometimes we see from time to time. He was calm. He was reassuring and if we had a disagreement it was over immediately. He brought great honor to public service and I think we are going to see David getting involved again in public life at some point but I think now he needs to focus on his health. He was in very good spirits today. I talked to him. It has been an honor and privilege to serve with David and I think I am speaking for the entire Board of Mayor and Aldermen and others who have had the honor to serve here with Alderman Wihby. I do want to acknowledge also Alderman-Elect Paul Porter who is here tonight as well. Congratulations Paul.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Poll Conducted

- A. Authorizing the Mayor to execute a State of NH Fish & Game consent form for the Ringling Brothers Barnum & Bailey Circus on Elm Street on October 23, 2003.
(Aldermen Wihby, Gatsas, Sysyn, Osborne, Pinard, O'Neil, Lopez, DeVries, Garrity, Smith, Thibault and Forest voted in the affirmative. Aldermen Guinta and Shea unavailable.)

Informational – to be Received and Filed

- B. Copies of minutes of the Mayor's Utility Coordinating Committee meeting held October 15, 2003.
- C. Copies of minutes of the Piscataquog River Local Advisory Committee meeting held October 2, 2003.
- D. Copy of the summer/fall 2003 publication of the NHDES, Waste Management Division.
- E. Copy of a communication from the NH Department of Safety advising of recent administrative policy changes relative to accountability of expenditures.
- F. Copy of a communication from the NH Department of Transportation advising of contemplated awards.
- G. Communication from Comcast submitting a franchise fee in the amount of \$239,362.19.

REFERRAL TO COMMITTEES

COMMITTEE ON FINANCE

- H. Resolution:

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Six Hundred Eighty Two (\$6,682.00) for the FY2004 CIP 810704 Archival Conservation Grant Program.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- I.** Recommending that the accounts receivable write-offs for the first quarter of FY2004 be approved.
- J.** Advising that it has accepted the City's monthly financial statements for the three months ended September 30, 2003 and is forwarding same to the Board for informational purposes.
- K.** Advising that it has accepted the audit status update submitted by Kevin M. Buckley, Internal Audit Manager and is forwarding same to the Board for informational purposes.
- L.** Advising that it has accepted the following Finance Department reports:
 - a) department legend;
 - b) open invoice report over 90 days by funds;
 - c) open invoice report (all invoices for interdepartmental billings only);
 - d) open invoice report (all invoices due from School Dept. only); and
 - e) listing of invoices submitted to City Solicitor for legal determination and is submitting same for informational purposes.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- M.** Advising that it has approved a request to establish a new classification, Laborer – Drop Off Facility at a Grade 10 and for such purpose is submitting ordinance amendment:
 - “Amending Sections 33.024, 33.025 and 33.026 (Laborer – Drop Off Facility) of the Code of Ordinances of the City of Manchester.”and recommends same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- N.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN
O'NEIL, DULY SECONDED BY ALDERMAN LOPEZ, IT WAS VOTED THAT
THE CONSENT AGENDA BE APPROVED.**

Report of the Committee on Traffic:

- O.** Recommending that regulations governing one way streets during certain school hours for the area of McDonough School be adopted and put into effect when duly advertised, posting to occur through McDonough School staff as required.

Alderman DeVries stated this particular request, though I am certainly not opposed to it, addresses the temporary placement of some one-way streets during school opening and

closing at McDonough School. When that had come through the Committee on Traffic, I had advised the Committee that I thought it would be a courtesy to address the homeowners impacted in that area. I was a little dismayed to see that that did not occur. I did make a personal phone call since one of the owners is a personal friend and they did go across the street to clarify with the principal at McDonough exactly how this was to be laid out. They are indicating that it will be strictly for a very short period of time, 15 minutes, and I notice within the wording of our new ordinance it is really not clarifying what the school hours will be and since I know for other parking signs that school hours can be stated to be say afternoon 3 PM to 5 PM and in the morning 6 AM or 6:30 AM...it varies with parking signs so I wondered if maybe there should be some clarity as to how much of the day is going to be disrupted as we try to ease the movement of school buses going through that neighborhood and declare it a one-way street to allow that movement. I don't know who would like to address it. Traffic or maybe staff?

Mr. Thomas Lolicata stated it is going to be done in the morning and in the afternoon. It will be a grand total of possibly 20 to 25 minutes a day.

Alderman DeVries responded certainly I understand that is what is being stated but there is nothing declaring that within the ordinance as it is written and I just wonder if we should clarify that and say that it will be a specific timeframe.

Deputy Clerk Johnson stated it was my understanding that it was first thing in the morning and at the end of the school day. We worded it the way we did in order to provide for the school...some days there is no school or there might be a delayed opening or that sort of thing and if you put the time in that ordinance they don't have the authority necessarily to close it when they want to or open it back up. I think that if there was any abuse of that or a problem with that certainly we would hear about it and we could then address it. My recommendation is that you basically leave it the way it is because the intention was very clear when it was represented to the Committee.

Alderman DeVries asked that would be brought back to the principal's attention or would it come back to the Traffic Committee if we felt there was abuse.

Deputy Clerk Johnson answered it would go back to the Traffic Committee and they could change it and bring it back out to the Board.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report.

Report of Committee on Traffic:

P. Advising that it has reviewed a request to eliminate odd/even parking and is recommending the following:

1. That the Board of Mayor and Aldermen immediately adopt an ordinance that provides an exemption to odd/even parking requirements for a portion of the downtown area.
2. That the Public Works Director submit a funding request in the next budget cycle for a city wide snow emergency warning light system.
3. That the use of parking lots for residential parking after 8 PM be better advertised as recommended by the Public Works Director.
4. That the Traffic Committee re-visit the issue of odd/even parking in other areas of the city at a later date, following a pilot period with the downtown area.

For the purpose of meeting the exemption requirements and given the November 15 requirements under law, an ordinance has been submitted with the request that same be adopted under the suspension of the rules.

Alderman Gatsas stated I have a couple of questions of Frank Thomas. If there is no parking...when do you call for a snow emergency. How many inches?

Mr. Frank Thomas answered it depends on the weather forecast but if I feel there is going to be plowable snow and that means somewhere in the range of about 3" or above, I will call a snow emergency and I try to call it with 12 hours of advance notice.

Alderman Gatsas responded my concern is that obviously at 10 PM if there is a snow emergency and the poor people are parked on the streets are we going to tow them or leave them or are we plowing around them.

Mr. Thomas replied the people in this pilot area if you want to call it that do have to conform to a snow emergency, which means that they have to have their vehicles like everybody else off the street.

Alderman Gatsas stated let's say you missed the forecast and you don't call for the snow emergency and we get 5" of snow. They aren't going to be towed?

Mr. Thomas responded if I don't call a snow emergency no vehicles in the City will get towed. We have conditions when it starts snowing in the day time and we may have 3", 4" or 5" of snow and we typically don't call one during the day time because it would impact businesses and whatnot so we have similar situations as to what you are alluding to. Once we get through the evening or that first day we would follow-up with a snow emergency the following evening so that we could get in, get the cars out and get the snow pushed back to the curb.

On motion of Alderman Guinta, duly seconded by Alderman Smith, it was voted to accept, receive and adopt this report of the Committee on Traffic.

Mayor Baines stated I do want to commend this well organized group for bringing this forward in such a respectful and organized way.

Nominations.

Board of Recount

Alderman Shea to succeed himself, term to expire October 1, 2005;
Peter McDonough to succeed John Durkin, term to expire October 1, 2005; and
Andre Martel to succeed Paul Alfano, term to expire October 1, 2005.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to suspend the rules and confirm the nominations as presented.

Confirmation of the nomination of Mike Lowry to succeed Peter Favreau as a member of the Highway Commission, term to expire January 15, 2006.

On motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to confirm the nomination as presented.

On motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to recess the meeting to allow the Committee on Finance to meet.

OTHER BUSINESS

A report of the Committee on Finance was presented respectfully recommending, after due and careful consideration, that a Resolution:

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Six Hundred Eighty Two (\$6,682.00) for the FY2004 CIP 810704 Archival Conservation Grant Program.”

ought to pass and be enrolled.

On motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted to accept, receive and adopt the report of the Committee on Finance as presented.

A report of the Committee on Lands and Buildings was presented respectfully recommending, after due and careful consideration, that property known as Canal Street Garage, Tax Map 2155, Lot 2 be found surplus to City needs.

The Committee recommends that the Mayor be authorized to dispose of said property by direct sale to Hampshire Plaza, LLC or assigns pursuant to a purchase and sales agreement enclosed herein, subject to the review and approval of the City Solicitor.

The Committee advises that it has found direct sale to the abutter, Hampshire Plaza, LLC, is in the best interest of the public in that said garage was built as part of the Hampshire Plaza redevelopment; ownership of the parking garage is critical to Hampshire Plaza's leasing of retail space, and is important to Hampshire Plaza's leasing of office space; and that being fully leased will increase the value of Hampshire Plaza thereby increasing the assessed value and providing tax benefits.

The Committee notes that the Board of Assessors provided the recommendation that an independent fee appraisal be done on this property which has been completed and reported to the Board.

Alderman Thibault moved to accept, receive and adopt the report. Alderman Lopez duly seconded the motion.

Alderman Gatsas stated I believe there is a minority report.

Deputy Clerk Johnson responded there is a minority report, your Honor. I don't know if you want me to just advise the Board what that states.

Mayor Baines stated you can advise the Board but the motion that is on the floor is to accept the majority report.

Alderman Gatsas stated Roberts Rules allows the minority report to come in before the motion is made so that both reports are heard together.

Mayor Baines responded we don't operate under Roberts Rules. We operate under the rules of the Board of Mayor and Aldermen.

Deputy Clerk Johnson stated the Mayor is allowing it to be presented so people are aware that the minority report is there and then there could be other motions if the Chair desires.

Mayor Baines stated read the report please.

A minority report of the Committee on Lands and Buildings was presented stating:

We, the Undersigned, being in the minority vote of the Committee on Lands and Buildings respectfully recommend that the Board of Mayor and Aldermen reject the majority report regarding the Canal Street Garage, find such property surplus to City needs and order an RFP for the Canal Street Garage property to get the highest price possible for such property.

We would note that City staff, including the City Solicitor, Finance Officer, and Public Works Director previously recommended to the Board that an RFP go out for such property to acquire the best price and use for the City.

s/Aldermen Gatsas and Garrity

Mayor Baines called for a vote on the motion to accept, receive and adopt the majority report of the Committee on Lands and Buildings.

Alderman Gatsas requested a roll call vote.

Alderman O'Neil asked for clarification on what the roll call on.

Deputy Clerk Johnson answered accepting the majority report.

A roll call vote was taken. Aldermen Gatsas and Garrity voted nay. Aldermen Guinta, Sysyn, Osborne, Pinard, O’Neil, Lopez, Shea, DeVries, Smith, Thibault, and Forest voted yea. Alderman Wihby was absent. The motion carried.

Mayor Baines asked do we take a motion now on the minority report. How do we deal with that?

Deputy Clerk Johnson answered the minority report has been received by the Board. If you want to receive and file you can do that.

Alderman Lopez moved to receive and file the minority report. Alderman DeVries duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Gatsas and Garrity being duly recorded in opposition.

A report of the Committee on Lands and Buildings was presented respectfully recommending, after due and careful consideration, that property located on Old Wellington Road known as Tax Map 645 Lot 10 be found surplus to City needs.

The Committee notes that pursuant to action taken by Board of Mayor and Aldermen on October 21, 2003, it has received a purchase and sales agreement. It is the Committee’s understanding that a communication relating to this property has been received by the City and appears as item 19 on the Board’s agenda. The Committee advises that it has referred the Purchase and Sales Agreement to the full Board for consideration with this aforementioned item without recommendation by the Committee, with the intention of discussion of this item at the full Board level.

Alderman Thibault moved to accept, receive and adopt the report. Alderman Forest duly seconded the motion.

Alderman Lopez stated my question has to deal with...I just want to make sure in my own mind about the legality and the circumstances surrounding Red Oak and allowing them to make a presentation out of courtesy because he did send a letter to Tom Arnold and I would like Mr. Arnold to comment on the letter submitted and then have Red Oak give their presentation and get Mr. MacKenzie’s direction to the bidders.

Mayor Baines asked would the City Solicitor recommend that we recess to convene with legal counsel.

Solicitor Clark answered yes you could do that.

Deputy Clerk asked before you do that could we just inform the public that we are bringing Item 19 forward to be considered at the same time as this report.

Copy of a communication from Attorney Patrick McHugh to Thomas Arnold requesting reconsideration of the City of Manchester's decision to award sale of the real property located on Old Wellington Road, Manchester, NH (a/k/a Map 645, Lot).

On motion of Alderman Forest, duly seconded by Alderman Thibault, it was voted to recess the meeting to meet with legal counsel.

Mayor Baines called the meeting back to order.

Deputy Clerk stated at the moment there is a motion on the floor to accept the report, which was made by Alderman Thibault and seconded by Alderman Forest. The Clerk would first suggest that that report be accepted because that will find that the property is surplus to City needs and then follow-up with a subsequent motion, which I can provide.

Mayor Baines called for a vote on the motion to accept, receive and adopt the report.

Alderman Lopez stated before we recessed I asked if Red Oak representatives could come forward and answer a few questions in reference to...

Deputy Clerk Johnson interjected what I would like to do is just accept the report so that you deem the property surplus to City needs and then you can proceed with the next motion and then that would be the appropriate time for that.

Mayor Baines called for a vote. The motion carried with Aldermen Osborne and Shea being duly recorded in opposition.

Deputy Clerk Johnson stated based on my understanding of the discussion with legal counsel there may be a motion desired to authorize the Mayor the execute a purchase and sales agreement, which was provided with the Committee report and once that motion is on the floor it would be open to...

Mayor Baines interjected okay we need a motion.

Alderman Thibault moved to authorize the Mayor to execute a purchase and sales agreement with The Anagnost Companies, Inc. and Manchester Housing and Redevelopment Authority for the purchase of property located on Old Wellington Road (Map 645, Lot 10). Alderman O'Neil duly seconded the motion.

Mayor Baines called representatives from Pristine Properties, LLC forward.

Alderman Lopez stated you sent us a letter in reference to this particular subject and out of courtesy and before I vote I would like to hear your point of view

Atty. Wright Danenbarger stated I am from the firm of Wiggin & Nourie across the street over here and I represent Red Oak and Pristine Properties. Before I make my remarks, which essentially will be legal in nature, I think that perhaps the Board or some members of the Board may not be that familiar with Red Oak so I would like, if I may, to have Ron Dupont who is the head of Red Oak say a few words about Red Oak as obviously you can see that his people are here and then I will address the legalities.

Mr. Ronald Dupont stated thank you for allowing me to speak with you this evening. I am President of Red Oak Property Management, Inc. and I am also the Manager of Pristine Properties, LLC. I just want to take a couple of minutes to tell you the Red Oak story and why the Wellington Road property is important to Red Oak. Red Oak has been in the multi-family housing business since 1984. Mark Gilmane, my only business partner, and I purchased a three-family home in Hudson, NH in 1984. Red Oak currently owns and manages 700 units in the State of New Hampshire, of which 350 approximately are in Manchester. For your information, we only own property in the State of New Hampshire. Every property purchased has been improved. I need to say that again. Every property we have ever purchased has been improved. This is such an important business strategy of ours and probably our strongest asset. I was trying to think how I could best explain the commitment to improving every single building we have ever owned and the best way that I could think of is there is a property management firm in the State of New Hampshire that manages approximately 700 apartments, similar type properties and they have three people in maintenance. Three people in maintenance. Red Oak has 13 people in maintenance and in construction personnel to maintain and improve our housing. I would tell you that except for one every single person on the maintenance and construction crew is here behind me. Every single person except one. Red Oak rents to all multi-family populations. A couple of examples of that are Red Oak rents to over 150 families holding Section 8 vouchers through the Manchester Housing Authority, the NH Housing Authority, the Derry Housing Authority and other housing authorities. Red Oak rents to over 130 Spanish speaking families. We only own 700 and we rent to over 130 Spanish speaking families. Why might that be? Because as a strategy, as a business philosophy we have hired three Spanish bi-lingual ladies to work for us and all three of them are sitting behind me also. We also have one lady who couldn't be here tonight who speaks Portuguese. The Red Oak mission statement is to exceed our resident's expectations. Everybody sees it when they walk into our office. It is very prominent in position and we seek to do that job every day. This is the goal of every Red Oak person whether it be helping bringing in the groceries for our residents or changing and repairing a leaky faucet. Our mission is to exceed our resident's expectations. The Red Oak business goal and I would tell you that I have never heard anybody in the multi-family business state it like this and I know a lot of operators in NH, Massachusetts, Rhode Island and I have met some from throughout the county, is to have diversified properties, to have diversified apartments for anyone and everyone looking to live in multi-family housing. This could be a person looking for a one bedroom apartment that we own at 64 Merrimack Street for approximately \$599/month with all utilities included or if they don't want that one

they can rent a one bedroom apartment at the Opera Block, which we just purchased, and they would pay approximately \$799/month without anything included. Now what happens if they want something new and in a good commuter location near a highway interchange? The same could be said for a two-bedroom apartment. We can rent one on Second Street for \$799/month or we can rent an apartment on Old Brown Avenue, right next to the Airport, for \$899 or \$949 a month. Now what happens if someone walks into our office and wants a spacious new two-bedroom apartment near a highway interchange? Wellington Road would allow the Red Oak leasing professionals to offer new, affordable, market rate apartments to potential residents. I ask you to allow Red Oak and Pristine Properties the opportunity to pay the City of Manchester \$111,500 more for this property than the next highest bidder and purchase the property. Red Oak wants this property to be an example of a model apartment community and how it should look. Thank you.

Atty. Danenbarger stated as Mr. Dupont just indicated his company, Pristine Properties, submitted the highest bid for this property by \$111,500 but that bid as has gone so far appears not to have been accepted by the City. Our position is that the process...the question is how did that happen? What we say is the process that led to the bidding in this case was legally defective. Now the law is pretty clear in New Hampshire, in fact there are a number of cases unfortunately in which the City of Manchester was a defendant several years ago and the NH Supreme Court established some very clear principles with respect to public bidding and that would apply not only to construction contracts but to the sale of property. When you go into the public bidding arena there are two very important factors and two important legal principles. The first is that all conditions must be disclosed. That is the bidders have to know what the conditions are in order to make the bid and secondly they have to be disclosed equally and clearly to each bidder. Now in this case I think it is reasonably clear that not all bidders were given the same condition. Now we are not sure in this case what the other bidders were told. All we know is that there was a written RFP that had certain conditions in it and then apparently through either the Board or the Lands and Buildings Committee there were additional oral conditions that were added and we are not sure exactly what was said to the other bidders because the City, through its Planning Director, spoke to each of the bidders separately. Not together but separately, which is unusual and there was nothing in writing as to the conditions that apparently disqualified or appear to have so far disqualified Red Oak and Pristine. The bottom line here is, members of the Board, that it was not made clear to Pristine that a \$100,000 deposit, which by the way was a condition that was added after the fact, was in fact to be non-refundable as of the purchase and sale. Now some of you with some familiarity with real estate probably are aware that a purchase and sale agreement in the residential market and in the commercial market often have deposits and often they are non-refundable. A non-refundable deposit is a common thing. What is uncommon and in fact in my experience unique about what ultimately turned out to be the condition that was applied and that my client did not know was that the deposit in this case would be non-refundable as of the purchase and sale agreement and there would not be any period in which one could make an inspection as you

would normally expect in a residential transaction and in a commercial transaction a due diligence period to in fact look at the property. So that type of condition is highly unusual and in this case was not communicated to my client in a manner that he could clearly understand. Now there is some evidence that supports that. First of all, when Mr. MacKenzie of your Planning Department initially recommended Pristine after the second round of bidding that was done based on oral conditions, he appeared to be, at least in his letter, to be unclear about what those conditions were. He said and I quote, "I would recommend that the Committee" and this is the letter to your Lands and Buildings Committee, "act to recommend to the full Board the higher offer of Pristine Properties be accepted subject to review of the City Solicitor verifying that the proposal meets all of the parameters of the Committee. Certain provisions of the offer require clarification as it relates to the \$100,000 non-refundable deposit and conditions of sale." Now at that time because Pristine was unaware that the non-refundable deposit had to be as of the purchase and sale agreement, that is as of the execution of that agreement, there was a due diligence period in their proposal. So it appears that at least Mr. MacKenzie felt in making his recommendation of Pristine that there was something unclear about whether Pristine had met the appropriate conditions. It is also my understanding that the Land and Buildings Committee, when they considered the matter based on Mr. MacKenzie's letter, that it was unsure about what the conditions of this deal should be and, in fact, there were competing motions to approve one proposal or the other that is the Red Oak proposal or the Anagnost proposal and it ended up tabled and my client left the meeting. Then the Board proceeded to act and as far as I know without any recommendation from the Lands and Buildings Committee as to this matter. I would quote from the surplus property ordinance and in particular Section 34.18 which says, "it shall be the responsibility of the Committee on Lands and Buildings to process requests relative to the purchase or sale of City real estate in accordance with the requirements of this sub-chapter and to make appropriate reports and recommendations to the Board of Mayor and Aldermen." That wasn't done when this Board voted the last time to negotiate only with the Anagnost group. There is a further ordinance, Section 34.22, that says "upon completion of its review of requests relative to the purchase or sale of City property the Committee on Lands and Buildings shall report and make recommendations to the Board of Mayor and Aldermen on the following: (3) the method, terms and conditions of sale including a minimum bid where appropriate." So, at that point when the Board voted the last time to look at the Anagnost proposal and as I understand it to say that the Red Oak proposal did not qualify even though it was \$111,500 higher, there was no recommendation from the Lands and Buildings Committee. Now it is my understanding that at that time the Board voted to accept the Manchester Housing Authority/Anagnost proposal. That proposal, which is in writing and which is \$111,500 less than my client's proposal it said in a central paragraph, "we have revised our proposal to meet your requirement." One of the things they say is "our deposit is non-refundable." It does not say when it is non-refundable. There is nothing in that letter that says when that deposit is non-refundable so when this Board sought to disqualify my client because he had a due diligence period it is not even clear that the Anagnost proposal, in fact, also had or had not a due

diligence period in it. So, at this point to qualify my client's higher bid when the bidding requirements were not clear I think it raises a serious legal problem for the City. I think the City to avoid litigation by Pristine and I suggest to you and I do this with a great deal of respect any appearance of impropriety because and I am not fully aware of all of what goes on here in the City but certainly Mr. Anagnost is heavily involved with the City in many ways and one has to think that one has to avoid any appearance that there might be any impropriety here. I am not suggesting there is but it is a question of appearances. Now I have looked at the Anagnost purchase and sale agreement, which you are presumably going to consider tonight. That contains provisions that allow them to walk away from this deal. Even though they say they have a \$100,000 non-refundable deposit, if they don't like the title to this property, if they think there is a defect in title they can walk away from it. If the property is not rezoned in accordance with their liking they can walk away from it. If there is an eminent domain taking in the meantime, they can walk away from it. So this is not a completely non-refundable deposit. Now when my client heard in the last meeting that the Lands and Buildings Committee was arguing about what the conditions were with respect to the sale of this property and saw that at least some members felt that there should be no due diligence period subsequent to the execution of the purchase and sale he immediately went back to his office and the next morning made a proposal that is \$111,500 higher than the Anagnost proposal and no due diligence period so that is on the table and we are ready tonight to take the same purchase and sales contract that Anagnost is proposing and insert a figure of \$111,500 higher and change the name of the purchaser and the signer. Now if the City feels that that particular process may end up with a fight going on between the City and the Anagnost interest, then I would have another suggestion and that is that you put this out for bid again with a very, very clear written indication of all of the conditions that are required for a successful bid. It shouldn't take too long. I understand that the City has an interest in getting this done so that it can have a good effect on the tax rate. I did speak briefly with Kevin Clougherty and I guess he wants to make sure that something is likely to go through and he prefers to have a purchase and sales agreement but there is no specific deadline. In fact, the deadline as I understand it from the original request for proposal was October 31, 2003 as being the time in which a purchase and sales agreement has to be executed. Well that may be delayed a bit but I still think it is...and again that would be subject to Mr. Clougherty's comments but I think that it could still be done under a new bidding arrangement. There wouldn't be any legal question as to what the City should do here or any threat of litigation.

Alderman O'Neil stated Sir we can have a difference of opinion on what was interpreted at certain meetings and I respect that. I even don't get upset at your threat about litigation. The City hears that all the time. We have lawyers on staff and we hire lawyers regularly to defend the City but I guess what I am really taken back by is your comment that there are some improprieties going on in the City of Manchester. I am actually ashamed that I am sitting here hearing that. The City has had a great track record of working with Mr. Anagnost and the Manchester Housing and Redevelopment Authority. We have a track

record with them and with both parties it is very successful. I feel like getting up and walking out of there based on that comment that you made. I think you were wrong to say it. I think you owe Mr. Anagnost an apology for making that accusation.

Atty. Danenbarger responded I don't.

Mayor Baines stated the only thing I would add to that is we act on the advice of our legal counsel when we proceed on any matters regarding anything that we engage in. We have City solicitors on staff that go through everything to insure that this Board receives sound legal advice and direction and that is what we base our decisions on solely. I would like to make that point very, very clear.

Atty. Danenbarger replied I understand what both of you are saying and I think you are misunderstanding what I am saying. What I am saying is that you have a situation...from the inside it may be fine with everybody. What does it look like from the outside? I don't know. That is all I am saying.

Alderman DeVries stated I am glad it was brought to light that there was another motion made during Lands and Buildings Committee and if only that had been followed I think we would be sitting here tonight avoiding a lot of this discussion and the City would have reaped the benefits of \$111,000 and Real Pinard would have \$111,000 more to improve the intersections surrounding the proposed discussion. All parties making proposals being equal and no favoritism I thought at that point it should go to the high bidder and that the high bidder should have the opportunity to discuss that with staff. At the recommendation of the Planning staff that proposal was made but unfortunately did not pass at Lands and Buildings and here we are today.

Mayor Baines asked the Clerk for direction.

Deputy Clerk Johnson answered you have a motion on the floor to authorize execution of the purchase and sales agreement that was attached to the Committee on Lands and Buildings agenda, which was in reference to MHRA and Anagnost Properties. You can go forward with further discussion, take a vote on that or accept another motion.

Alderman Osborne stated I have been listening to Wellington Road for quite awhile and you know my feelings on Wellington Road. I think the City is going too fast too quick here. I am not against Red Oak and I am not against Mr. Anagnost or anybody. I am just saying that right now the City is really going too fast with this. We are talking about 12 cents on the tax rate here. That is all. For 9.6 acres of land, to sell that in a hurry where the City of Manchester might need it...maybe not today or next week but it has been with the City...if it wasn't for me this wouldn't even be here this evening. We wouldn't be sitting here at all. I would like to move to table this and send it back out for reconsideration.

Mayor Baines responded we have a motion on the floor that has been seconded and we are going to continue further discussion on it. I am not accepting a motion to table.

Alderman Osborne asked doesn't a motion to table take precedence...

Mayor Baines interjected I think I will accept the motion to table.

Alderman Shea duly seconded the motion to table.

Alderman Lopez asked table it to do what. I think he said something else.

Mayor Baines replied it was to table. Correct?

Deputy Clerk Johnson stated his motion is to table this report but he also indicated to go back out so he added more to his motion.

Mayor Baines responded well he can't. A motion to table is a motion to table.

Alderman Osborne stated well let's do that then

Alderman Gatsas requested a roll call vote. A roll call vote was taken. Aldermen Gatsas, Guinta, Sysyn, Pinard, O'Neil, Lopez, DeVries, Garrity, Smith, Thibault and Forest voted nay. Aldermen Osborne and Shea voted yea. Alderman Wihby was absent. The motion failed.

Mayor Baines stated the main motion is now on the floor.

Alderman DeVries stated the one thing I would like to address would be that there was a recommendation made to Committee, which really has never been acted on by Committee which was to look for a way to dedicate any of the funding towards road improvements and I just wanted to remind this Board that that still needs to be taken up and discussed.

Alderman Shea stated I want to reiterate what Alderman Osborne said. We have a limited amount of land in Manchester. We are going to be voting as a Board tonight and I am assuming because of the tabled motion that most of the people have made up their mind and that is all well and good but I think in the future when we discuss where we are going to find land to satisfy the future needs of the citizenry of Manchester and I realize in talking to Dick Dunfey that there are 4,500 people on a waiting list, however, your Honor I feel that we are making a grievous mistake when we are agreeing to a purchase and sale agreement this evening. We have a limited amount of space within our community and we are giving two developers, God willing they are wonderful people and I am not against these people per say

but I am saying in essence that we will regret the fact in future years when we have very limited or no land available for our future use.

Alderman Gatsas stated I think you sat through the Lands and Buildings agenda this evening in regards to the purchases of a garage. There we took an opportunity to negotiate with an abutter and I voted against that because we should have some consistency going forward that either we negotiate with abutters because I think Mr. Dupont was an abutter on a piece of property for \$5,000 that abutted him on Laurel Street I believe and we went out to bid on that. I think we have to have some consistencies as a Board...

Mayor Baines interjected again I would agree with you but this does not pertain to the discussion at hand. I do agree with you that that is an issue that should be addressed.

Alderman Gatsas replied well I guess we are talking about what direction we should be going in.

Mayor Baines responded not on this. The motion on the floor is to approve to disapprove and I am going to call for a vote now.

Alderman Guinta asked what is the motion.

Deputy Clerk Johnson stated the motion is to authorize execution of the purchase and sales agreement with MHRA and Anagnost.

Alderman Guinta requested a roll call vote. A roll call vote was taken. Aldermen Guinta, Osborne, Lopez, Shea, DeVries, Smith, Thibault, and Forest voted nay. Aldermen Sysyn, Pinard, O'Neil, Garrity and Gatsas voted yea. Alderman Wihby was absent. The motion failed.

Alderman Gatsas moved to have City staff negotiate with the abutter.

Mayor Baines stated we need to deal with this issue first.

Solicitor Clark stated if the Board is not going to go forward with the purchase and sale agreement at this point they have the option to refer it back to the Lands and Buildings Committee for further discussion. They have the option to reject all bids as we discussed earlier and go back out for proposals again.

Alderman Lopez moved to refer this back to Lands and Buildings and ask staff to draft a new RFP to go out for bid. Alderman Shea duly seconded the motion.

Deputy Clerk Johnson asked can we just ask for rejection of all bids in that motion so it is clear that the current bids are not going to be considered.

Alderman Lopez responded that is fine.

Alderman Shea concurred.

Alderman Gatsas stated I guess that leaves the caveat of where I was going and now will allow me to go there.

Mayor Baines asked does it pertain to this.

Alderman Gatsas answered yes it does pertain to this because we negotiated less than two hours ago with an abutter on a significant piece of property, the City of Manchester. The motion that I made is that we negotiate with the abutter on this significant piece of property. Now either we follow some sort of suit of what road we are going down because the abutter on this property is Mr. Anagnost it so happens to be so if we are going to negotiate on a parking garage with an abutter then this Board should take the same precedent when they are negotiating on this piece of property because consistency is certainly an important issue.

Mayor Baines stated we have to deal with the motion on the floor right now, which...once again Carol will you advise the Chair.

Deputy Clerk Johnson responded to reject all bids, refer the matter back to Lands and Buildings with staff to complete an RFP and present it to the Lands and Buildings Committee.

Alderman Gatsas asked for a roll call. A roll call vote was taken. Aldermen Gatsas, Sysyn, Pinard, O'Neil, and Garrity voted nay. Aldermen Guinta, Osborne, Lopez, Shea, DeVries, Smith, Thibault, and Forest voted yea. Alderman Wihby was absent. The motion carried.

Ordinance:

“Amending Section 70.71 Overnight Winter Parking of the Code of Ordinances of the City of Manchester by adding a new subsection (F) to exempt certain portions of the downtown area from the odd/even parking ban.”

On motion of Alderman Forest, duly seconded Alderman Thibault it was voted to suspend the rules and place this ordinance on its final reading without referral to the Committees on Bills on Second Reading or Accounts, Enrollment and Revenue Administration. None were recorded in opposition.

The Ordinance was read by title only.

This Ordinance having had its final reading, Alderman Forest moved on passing same to be Ordained. Alderman DeVries duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Compensation Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 (Airport Maintenance Worker I, Airport Maintenance Worker (Seasonal/Temp), Airport Operations and Maintenance Specialist, Airport Maintenance Supervisor (Land side), Airport Maintenance Supervisor (Airside), Assistant Airport Maintenance Superintendent, Airport Maintenance Superintendent and Airport Building Maintenance and Structure Superintendent) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles and Traffic, by inserting a new section authorizing regulation of speed in service alleys.”

“Amending Chapter 91 of the Code of Ordinances of the City of Manchester by requiring the owners of Multi-Family dwellings to provide “Toters” for rubbish and garbage collection and storage.”

“Amending Chapter 150 of the Code of Ordinances of the City of Manchester by requiring the owners of Multi-Family dwellings to provide “Toters” for rubbish and garbage collection and storage.”

“Amending Section 92.25 Annual User Fees of the Code of Ordinances of the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by amending the language to allow Multi-family and other residential dwellings in the Redevelopment (RDV) District.”

On motion of Alderman Shea, duly seconded by Alderman Pinard it was voted to dispense with the reading of Ordinances by title only.

These Ordinances having had their second presentation, Alderman Guinta moved on passing same to be Enrolled. Alderman Thibault duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman Garrity, duly seconded by Alderman Osborne, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising, after due and careful consideration, that Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Compensation Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 (Airport Maintenance Worker I, Airport Maintenance Worker (Seasonal/Temp), Airport Operations and Maintenance Specialist, Airport Maintenance Supervisor (Land side), Airport Maintenance Supervisor (Airsides), Assistant Airport Maintenance Superintendent, Airport Maintenance Superintendent and Airport Building Maintenance and Structure Superintendent) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles and Traffic, by inserting a new section authorizing regulation of speed in service alleys.”

“Amending Chapter 91 of the Code of Ordinances of the City of Manchester by requiring the owners of Multi-Family dwellings to provide “Toters” for rubbish and garbage collection and storage.”

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“Amending Section 92.25 Annual User Fees of the Code of Ordinances of the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by amending the language to allow Multi-family and other residential dwellings in the Redevelopment (RDV) District.”

were properly enrolled.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report.

Communication from Thomas Seigle, Chief Sanitary Engineer, seeking the Board’s authorization to enter into a Septage Service Agreement with the Town of Atkinson.

Alderman Shea moved to approve the agreement and authorize the Mayor to execute same on behalf of the City, subject to the review and approval of the City Solicitor. Alderman Osborne duly seconded the motion.

Alderman Guinta asked didn’t we take this up at the last meeting.

Alderman Gatsas answered that was Plaistow.

Mayor Baines stated we are moving to Atkinson.

Alderman Guinta stated if we referred the...it is the same thing but just a different town.

Deputy Clerk Johnson responded yes.

Alderman Guinta asked why would we approve this.

Solicitor Clark stated you should refer this one also to the Committee on Administration.

Mayor Baines stated we always follow the direction of the Board, Alderman Guinta. There is a motion that has been moved and seconded.

Alderman Guinta stated I think we should be consistent and refer this to the Committee on Administration.

Alderman Gatsas stated I believe that the Rule 14 that accommodated the sale of the Wellington Road property two weeks ago...the Rule 14, was a unanimous vote. For some reason in two weeks that vote changed. Thank you for that personal privilege.

Solicitor Clark stated at the last meeting the Town of Plaistow came in with the same agreement and it was referred to Committee. I don't think you should approve this until such time as you determine what you are going to do with the first one. You may want to refer this to Administration.

Mayor Baines asked can we withdraw the motion. Who made the motion?

Deputy Clerk Johnson answered Alderman Shea by Alderman Osborne.

Mayor Baines asked would you agree to do that.

Aldermen Shea and Osborne replied yes.

Alderman Shea moved to refer this item to the Committee on Administration. Alderman Guinta duly seconded the motion.

Alderman DeVries stated I just want the rest of the Aldermen to note that in the Committee on Accounts there was a write-off pending that probably should be looked at because it appears to be septic charges. I don't know if it is from another town or relating but if you recall at the last meeting when I brought that up that is something I am looking to have added into the contract and there it was before us.

Mayor Baines responded I will have the Finance Officer look into that.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Resolution:

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Six Hundred Eighty Two (\$6,682.00) for the FY2004 CIP 810704 Archival Conservation Grant Program.”

On motion of Alderman Thibault, duly seconded by Alderman Pinard, it was voted to read the Resolution by title only, and it was so done.

On motion of Alderman Smith, duly seconded by Alderman DeVries, it was voted that the Resolution pass and be Enrolled.

Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Compensation Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 (Airport Maintenance Worker I, Airport Maintenance Worker (Seasonal/Temp), Airport Operations and Maintenance Specialist, Airport Maintenance Supervisor (Land side), Airport Maintenance Supervisor (Airside), Assistant Airport Maintenance Superintendent, Airport Maintenance Superintendent and Airport Building Maintenance and Structure Superintendent) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles and Traffic, by inserting a new section authorizing regulation of speed in service alleys.”

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“Amending Section 92.25 Annual User Fees of the Code of Ordinances of the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by amending the language to allow Multi-family and other residential dwellings in the Redevelopment (RDV) District.”

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to dispense with the readings by title only.

These Ordinances having had their final presentation, Alderman Thibault moved on passing same to be Ordained. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

- 16.** Request for discontinuance of a portion of Millstone Avenue.
(Tabled 08/04/03 at road hearing pending report from City Solicitor.)

This item remained on the table.

- 17.** Notice for reconsideration given by Alderman Gatsas on motion to accept a majority report of the Committee on Lands and Buildings regarding authorizing city staff to negotiate with Hampshire Plaza, LLC and its representatives for the possible disposition of the Canal Street Garage.
(Motion having carried with Aldermen Sysyn, Pinard, O'Neil, Lopez, DeVries, Smith, Thibault and Forest voting yea, and Aldermen Gatsas, Guinta, Osborne, Shea and Garrity voting nay.)
(Tabled 10/21/2003)

On motion of Alderman Gatsas, duly seconded by Alderman Garrity it was voted to remove this item from the table.

On motion of Alderman Gatsas, duly seconded by Alderman Sysyn, it was voted to receive and file this item.

NEW BUSINESS

Alderman Lopez stated since the City Assessors are here tonight, they sent us a letter in reference to an additional overlay projection of \$600,000. I wonder if they can come up and explain this a little bit. They also sent at the request of the Accounts Committee the abatements and everything so we all have that information also.

Mr. Steve Tellier stated good evening ladies and gentlemen. We will try to keep it brief. We know you had a long day yesterday. Alderman Lopez, you had a specific question regarding the appropriation amount?

Alderman Lopez replied yes. I was looking at the abatements, which your department has done very good. I noticed 2001 and 2002 abatements and in conversation with Tom Nichols today there is no money for 2003. I was wondering what the procedures are to make sure that we have the overlay account for 2003 and when we do that because if people have abatements for 2003 I would like to know what the procedures are because I was talking to Kevin Buckley and he was indicating that we should have money in 2003.

Mr. Tellier responded what we have here are some pretty good numbers that we feel very comfortable in and we are also very comfortable that we may find some additional savings in the form of reducing the amount of frivolous abatements that we have on file that have been filed at the Board of Tax and Land Appeals. The amount of abatements that are given out or awarded at this point through litigation, Board of Tax and Land Appeals litigation, is reducing all the time. We feel confident that this meets the 2001 and 2002 and that we will

find savings there. As far as the 2003 amount, my understanding in speaking with the Finance auditor who is here with us this evening...there is a question whether that has to be funded or not depending on that type of account but even if we were to give a best estimate at this time, we come in at around \$200,000 if we were to allocate a line item for 2003 at this time. With that being said, there is a very good chance that we could find those savings in our present allocation.

Mayor Baines asked is this a unanimous opinion of the Board of Assessors.

Mr. Tellier answered yes.

Alderman Lopez asked so we have 0 in 2003 at the present time.

Mr. Tellier answered at the present time, however, any savings...we will be seeing in January through February the scheduling of non-residential cases so there may very well be an allocation from this present appropriation into a 2003 line.

Alderman Lopez asked so what percentage of the abatements have you calculated in 2001 and 2002.

Mr. Tellier answered 7% and 8%.

Alderman Lopez asked a 7% and 8% difference.

Mr. Tellier answered that is correct.

Alderman Lopez asked is that normal.

Mr. Tellier answered well we are going into the more difficult cases. The ones that have been litigated and adjudicated were clear errors or misinformation or it could be as simple as a data entry error that would have precipitated a change. The remaining cases that we have, a great deal of them we feel confident that they have little or no merit. That they just appealed hoping for a bonus. For a filing fee of \$65, Alderman, they could save thousands of dollars.

Alderman Lopez stated understanding that this is a unanimous decision, Mr. Clougherty, are you satisfied with those answers.

Mr. Clougherty stated the overlay account as you know is not an appropriation by the Board. It is a number that is established by the Board of Assessors and it is exclusively under their authority under State law so whatever they determine is necessary for meeting the needs of

abatements over the next year is what is included there and as long as they are comfortable, we are.

Alderman Lopez responded I understand that. My question to you as the Finance Officer is is there a need to put any money into the overlay account for 2003 at this time.

Mr. Clougherty stated there is money for 2003. Are you saying not to put in the \$1.6 million that we are including for this year's tax rate?

Alderman Lopez stated the money they are putting in the overlay account is for 2001 and 2002. There is no money for 2003 and you are satisfied with that?

Mr. Clougherty responded I am not sure that is accurate.

Mr. Stephan Hamilton stated there is a large amount of money in there for 2003. It is for cases that have already been filed for tax year 2001 and 2002 appeals. If we have a case that goes back to 2001, we have calculated the amount of money in taxes that would have to be abated for 2001, 2002 and tax year 2003. There isn't a specific estimation of how many local abatements and going forward from that appeals that might be filed for tax year 2003 because we really don't know how many could be filed at this point. The reality is the vast majority of those would be adjudicated in tax year 2004.

Alderman Lopez replied I am trying to understand it. I just want to make sure that the Finance Officer is satisfied with the explanation given here tonight. There is no overlay account for 2003 abatements. We understand that.

Mayor Baines stated well they need to clarify that one more time. That is not what they are saying.

Mr. Hamilton stated what is included in the overlay account is our projections for abatements that would have to be granted for tax year 2001 appeals and tax year 2002 appeals but that includes taxes that would have to be abated that had been paid in 2003. What you are asking about are additional abatement requests for tax year 2003 and then subsequent appeals of those and those appeals can't even be filed until after July 1 of 2004. We really don't have a good way to project how many of those cases might occur and they certainly won't be adjudicated until into tax year 2004.

Alderman Lopez asked and that is the standard procedure.

Mayor Baines stated I would like to interject that they have said over and over again that they are comfortable with these numbers by unanimous vote and that is their authority under

State law. It has been reviewed today and everybody seems to be okay with that. Am I correct?

Mr. Clougherty responded right. Alderman, in terms of reserves let's be honest about this. This City went 17 years without doing a revaluation and had inadequate reserves to deal with the valuations and we suffered for a long time digging out of that hole. We then did one 10 years later and had some consequences. Now that the State law says you have to do it on a regular basis you shouldn't see those big swings. It should be a much more controlled pendulum in terms of what happens here. In terms of reserves, we are always going to be...from a Finance Officer's standpoint I would like to see you build up reserves over time so that when you do get to do the revaluation there is something there – that you are not just living year to year. You have that discussion in the beginning of the budget process it seems to me, not at the end of the budget process. That way it has been presented to you is the way that they have done it the last several years. I think they agree that it is adequate to get them through this year and then as part of the budget process next year start to take a look at your approach to this given that you are going to be on a regular cycle of revaluation.

Alderman Lopez stated thank you. I got the clarification I wanted.

Alderman Shea stated as Chairman of the Committee on Accounts, Enrollment & Revenue Administration I really want to commend the Board of Assessors here in front of us because they have worked very hard. There was no problem this year. We ran into a few problems last year. They were understaffed. We have added Steve Hamilton who has been a wonderful addition and I think they really deserve...and I know that you have not found any fault with them your Honor because they have worked very hard and they are to be commended. They have come forward with any information we need.

Mayor Baines stated the good news is that we ended up with a \$51 million increase in the tax base, which is really good news for the City and it is an indication that we are building the tax base, which has lagged for so many years.

Alderman Shea stated I know that Alderman Gatsas and Alderman Lopez and myself were on a committee and we are very pleased with the selection of the people.

Mr. Clougherty stated I know that we are through with the discussion but I just want to say that based on the actions tonight we are ready to set the forms – they have their forms and they will go in tomorrow. We will not include the \$650,000 and the tax rate will be about 3.2%.

Mr. Tom Nichols stated exactly what Kevin Clougherty just said is what I told Alderman Lopez this afternoon. Come the next budget period, whatever we are lacking we will make up for.

Copy of a communication from Attorney Patrick McHugh to Thomas Arnold requesting reconsideration of the City of Manchester's decision to award sale of the real property located on Old Wellington Road, Manchester, NH (a/k/a Map 645, Lot).

Deputy Clerk Johnson stated we took this item up earlier this evening with the Committee on Lands and Buildings report.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

City Clerk